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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,794	06/13/2005	Ronald J. Craswell	115710-161648	4320

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EXAMINER	
DANIEL JR, WILLIE J	

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
11/02/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/538,794	CRASWELL ET AL.	
	Examiner	Art Unit	
	WILLIE J. DANIEL JR	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 August 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5 and 10-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5 and 10-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to applicant's amendment filed on 31 August 2010. **Claims 1-5 and 10-12** are now pending in the present application and **claims 6-9 and 13-29** are canceled. This office action is made **Final**.

Claim Objections

2. The objections applied to the claims are withdrawn, as the proposed claim corrections are approved.

Claim Rejections - 35 USC § 112

3. The 112 rejections applied to the claims are withdrawn. See item 6 in response section below.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code 103(a) not included in this action can be found in a prior Office action.

Claims 1-5 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kawamata et al**. (hereinafter Kawamata) (**US 6,820,259 B1**) in view of **Herschberg et al**. (hereinafter Herschberg) (**US 2003/0022657 A1**).

Regarding **claim 1**, Kawamata discloses a terminal apparatus (e.g., 1250, 150) which reads on the claimed "wireless computing apparatus" { (see col. 10, lines 44-50; Figs. 1-2 & 12) } having:

a processor (e.g., terminal side control unit 180) { (see col. 11, lines 47,62-64; Figs. 2 & 12) }; and

a memory (e.g., navigation unit 195) comprising computer executable instructions which, upon execution (e.g., command) are operative to cause the wireless computing apparatus (e.g., 1250, 150) to { (see col. 3, lines 5-13,30-33,49-51; col. 11, lines 47-51, 62-64; Figs. 2 & 12), where the software of the navigation unit is updated from the issuing of a software update command }:

request available updates { (see col. 10, lines 61-63; col. 11, lines 58-61; col. 12, lines 35-40; Figs. 13 'ref. 1305', 16 'ref. 1610') };

receive, in response to said request, an update catalog (e.g., software group) of available updates { (see col. 10, lines 61-63; col. 13, lines 15-28; Figs. 13 'ref. 1325' & 18) },

receive, with the update catalog (e.g., software group), mandatory updates (e.g., software group necessary) { (see col. 13, lines 15-23,46-51; Figs. 7 & 18) };

install the received mandatory updates (e.g., software group necessary) { (see col. 13, lines 46-51; col. 14, lines 12-16; col. 10, lines 37-40; Figs. 7, 15 'ref. 1515', & 18). } Kawamata does not specifically disclose having the feature(s) the available updates comprising available discretionary updates; determine that a first group of the available discretionary updates is relevant to the wireless computing apparatus, and that a second group of the available discretionary updates is irrelevant to the wireless computing apparatus; and depict representations of the available discretionary updates of the first group in a selectable manner to enable user control over installation of the relevant discretionary updates. However, the examiner maintains that the feature(s) the available updates

comprising available discretionary updates; determine that a first group of the available discretionary updates is relevant to the wireless computing apparatus, and that a second group of the available discretionary updates is irrelevant to the wireless computing apparatus; and depict representations of the available discretionary updates of the first group in a selectable manner to enable user control over installation of the relevant discretionary updates was well known in the art, as taught by Herschberg.

In the same field of endeavor, Herschberg discloses the feature(s) the available updates comprising available discretionary updates (e.g., optional applications) { (see pg. 1, [0007, lines 7-9; 0009, lines 7-13]; pg. 4, [0093, 0095]), where the system has optional applications that the user has the option to download (see pg. 4, [0086, 0088]; Fig. 1a) };

determine that a first group of the available discretionary updates (e.g., optional applications) is relevant (e.g., compatible) to the wireless device (106) which reads on the claimed "wireless computing apparatus" { (see pg. 1, [0007, lines 7-9; 0009, lines 7-13]; pg. 3, [0076]; pg. 4, [0093]; Fig. 2), where the system provides optional applications for downloading (see pg. 4, [0086, 0088]; pg. 10, [0181]; Figs. 1a & 46c) }, and

that a second group of the available discretionary updates is irrelevant (e.g., not compatible including permission deny/unauthorized application) to the wireless computing apparatus (106) { (see pg. 1, [0007, lines 7-13]; pg. 4, [0092]; pg. 10, [0177-0178]), where applications that are not compatible are denied or not downloaded and where installed applications that are denied or incompatible are deleted from device (106) (see pg. 11, [0195; 0197, lines 11-15; 0198, lines 11-16; 0199, lines 6-10]) }; and

depict representations of the available discretionary updates of the first group in a selectable manner to enable user control over installation of the relevant discretionary updates { (see pg. 1, [0009, lines 7-13]; pg. 10, [0181, lines 1-4]; pg. 11, [0199, lines 10-16]; Figs. 1a & 46c), where the system prompts a user to select optional applications for download.} As further support, Herschberg at the least discloses the feature(s) receive, with the update catalog, mandatory updates (e.g., required applications) { (see pg. 1, [0009, lines 7-13]; pg. 4, [0093, 0095]) }; install the received mandatory updates (e.g., required applications) { (see pg. 9, [0172, lines 4-6]; pg. 11, [0197, lines 1-6]) }.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kawamata and Herschberg to have the feature(s) the available updates comprising available discretionary updates; determine that a first group of the available discretionary updates is relevant to the wireless computing apparatus, and that a second group of the available discretionary updates is irrelevant to the wireless computing apparatus; and depict representations of the available discretionary updates of the first group in a selectable manner to enable user control over installation of the relevant discretionary updates, in order to provide a system and method for managing application provisioning to one or more wireless devices, as taught by Herschberg (see pg. 1, [0005, lines 1-2]).

Regarding **claim 2**, Kawamata discloses every limitation claimed as applied above in claim 1. Kawamata does not specifically disclose having the feature(s) the computer executable instructions further operative, upon execution, to cause the wireless computing apparatus to select a desired discretionary update from said first group; and to obtain said

desired discretionary update. However, the examiner maintains that the feature(s) the computer executable instructions further operative, upon execution, to cause the wireless computing apparatus to select a desired discretionary update from said first group; and obtain said desired discretionary update was well known in the art, as taught by Herschberg.

Herschberg further discloses the feature(s)) the computer executable instructions further operative, upon execution, to cause the wireless computing apparatus (106) to select a desired discretionary update (e.g., optional applications) from said first group { (see pg. 1, [0009, lines 7-13]; pg. 10, [0181, lines 1-4]; Figs. 1a & 46c), where an application is selected for downloading (see pg. 11, [0199, lines 10-16]; pg. 2, [0086, 0088, 0093]) }; and

to obtain said desired discretionary update { (see pg. 10, [0181, lines 11-13]; Fig. 46c) }.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kawamata and Herschberg to have the feature(s) the computer executable instructions further operative, upon execution, to cause the wireless computing apparatus to select a desired discretionary update from said first group; and to obtain said desired discretionary update, in order to provide a system and method for managing application provisioning to one or more wireless devices, as taught by Herschberg (see pg. 1, [0005, lines 1-2]).

Regarding **claim 3**, Kawamata discloses every limitation claimed as applied above in claim 2. Kawamata does not specifically disclose having the feature(s) the computer executable instructions further operative, upon execution, to cause the wireless computing apparatus to install said obtained discretionary update. However, the examiner maintains that the feature(s) the computer executable instructions further operative, upon execution, to

cause the wireless computing apparatus to install said obtained discretionary update was well known in the art, as taught by Herschberg.

Herschberg further discloses the feature(s) the computer executable instructions further operative, upon execution, to cause the wireless computing apparatus to install said obtained discretionary update (e.g., optional applications) { (see pg. 10, [0181, lines 11-13]; Fig. 46c) }.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kawamata and Herschberg to have the feature(s) the computer executable instructions further operative, upon execution, to cause the wireless computing apparatus to install said obtained discretionary update, in order to provide a system and method for managing application provisioning to one or more wireless devices, as taught by Herschberg (see pg. 1, [0005, lines 1-2]).

Regarding **claim 4**, Kawamata discloses update currently installed on the wireless computing apparatus (150) { (see col. 5, lines 63-64; col. 6, lines 24-25; Fig. 4 'ref. 445'), where the system determines that software is already possessed }. Kawamata does not specifically disclose having the feature(s) wherein said second group comprises an available discretionary update currently installed on the wireless computing apparatus. However, the examiner maintains that the feature(s) wherein said second group comprises an available discretionary update currently installed on the wireless computing apparatus was well known in the art, as taught by Herschberg.

Herschberg further discloses the feature(s) wherein said second group comprises an available discretionary update (e.g., not compatible including permission deny/unauthorized

application) currently installed (e.g., resident) on the wireless computing apparatus (106) { (see pg. 1, [0007, lines 7-13]; pg. 4, [0092, 0095]; pg. 10, [0178]; Figs. 1a & 46c), where applications that are not compatible are denied or deleted from device (106) }.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kawamata and Herschberg to have the feature(s) wherein said second group comprises an available discretionary update currently installed on the wireless computing apparatus, in order to provide a system and method for managing application provisioning to one or more wireless devices, as taught by Herschberg (see pg. 1, [0005, lines 1-2]).

Regarding **claim 5**, Kawamata discloses update inapplicable to software is currently installed on the wireless computing apparatus (150) { (see col. 5, lines 63-64; col. 6, lines 24-25; Fig. 4 'ref. 445'), where the system determines that software is already possessed }. Kawamata does not specifically disclose having the feature(s) wherein said second group comprises an available discretionary update inapplicable to software currently installed on the wireless computing apparatus. However, the examiner maintains that the feature(s) wherein said second group comprises an available discretionary update inapplicable to software currently installed on the wireless computing apparatus was well known in the art, as taught by Herschberg.

Herschberg further discloses the feature(s) wherein said second group comprises an available discretionary update inapplicable (e.g., not compatible including downloaded application) to software currently installed (e.g., resident) on the wireless computing

apparatus (106) { (see pg. 1, [0007, lines 7-13]; pg. 4, [0092, 0095]; pg. 10, [0178]; Figs. 1a & 46c), where applications that are not compatible are denied or deleted from device (106) }.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kawamata and Herschberg to have the feature(s) wherein said second group comprises an available discretionary update inapplicable to software currently installed on the wireless computing apparatus, in order to provide a system and method for managing application provisioning to one or more wireless devices, as taught by Herschberg (see pg. 1, [0005, lines 1-2]).

Regarding **claim 10**, Kawamata discloses a method of updating data on a wireless mobile device (e.g., terminal apparatus 1250, 150) { (see col. 10, lines 44-50; col. 3, lines 5-13,30-33; col. 11, lines 47-51; Figs. 1-2 & 12), where the software of the navigation unit is updated }, the method comprising:

requesting available updates by the wireless mobile device (1250, 150) { (see col. 10, lines 61-63; col. 11, lines 58-61; col. 12, lines 35-40; Figs. 13 'ref. 1305', 16 'ref. 1610') };

receiving by the wireless mobile device (1250, 150), in response to said requesting, an update catalog (e.g., software group) for available updates { (see col. 10, lines 61-63; col. 13, lines 24-28; Fig. 18) },

receiving by the wireless mobile device (1250, 150), with the update catalog, a mandatory update (e.g., software group necessary) { (see col. 10, lines 61-63; col. 13, lines 15-23,46-51; Figs. 7 & 18) };

installing by the wireless mobile device (1250, 150) the received mandatory update (e.g., software group necessary) { (see col. 13, lines 46-51; col. 14, lines 12-16; col. 10, lines 37-40; Figs. 7, 15 'ref. 1515', & 18) };

updates is incompatible with { (see col. 6, lines 42-44), where the software cannot be installed (see col. 8, lines 46-51) }, or

is currently installed on, the wireless computing apparatus (150) { (see col. 5, lines 63-64; col. 6, lines 24-25; Fig. 4 'ref. 445'), where the system determines that software is already possessed. } Kawamata does not specifically disclose having the feature(s) catalog comprising available discretionary updates; determining by the wireless mobile device that a first group of the discretionary updates is not currently installed on, and is applicable to software currently installed on, the wireless computing apparatus, and that a second group of the available discretionary updates is currently installed on, or is inapplicable to software currently installed on, the wireless computing apparatus; and depicting by the wireless mobile device the available discretionary updates of the first group in a selectable manner to enable user control over installation of the relevant discretionary updates. However, the examiner maintains that the feature(s) catalog comprising available discretionary updates; determining by the wireless mobile device that a first group of the discretionary updates is not currently installed on, and is applicable to software currently installed on, the wireless computing apparatus, and that a second group of the available discretionary updates is currently installed on, or is inapplicable to software currently installed on, the wireless computing apparatus; and depicting by the wireless mobile device the available discretionary

updates of the first group in a selectable manner to enable user control over installation of the relevant discretionary updates was well known in the art, as taught by Herschberg.

In the same field of endeavor, Herschberg discloses the feature(s) catalog comprising available discretionary updates (e.g., optional applications) { (see pg. 1, [0007, lines 7-9; 0009, lines 7-13]; pg. 4, [0093, 0095]), where the system has optional applications that the user has the option to download (see pg. 4, [0086, 0088]; Fig. 1a) };

determining by the wireless device (106) which reads on the claimed "wireless mobile device" that a first group of the discretionary updates (e.g., optional applications) is not currently installed (e.g., not resident) on, and is applicable to software currently installed (e.g., resident) on, the wireless device (106) which reads on the claimed "wireless mobile device" { (see pg. 1, [0007, lines 7-9; 0009, lines 7-13]; pg. 3, [0076]; pg. 4, [0093]; Fig. 2), where the system provides optional applications for downloading (see pg. 4, [0086, 0088]; pg. 10, [0181]; Figs. 1a & 46c) }, and

that a second group of the available discretionary updates is currently installed (e.g., resident) on, or is inapplicable (e.g., not compatible including permission deny/unauthorized application) to software currently installed (e.g., resident) on, the wireless mobile device (106) { (see pg. 1, [0007, lines 7-13]; pg. 4, [0092, 0095]; pg. 10, [0177-0178]), where applications that are not compatible are denied or not downloaded and where installed applications that are denied or incompatible are deleted from device (106) (see pg. 11, [0195; 0197, lines 11-15; 0198, lines 11-16; 0199, lines 6-10]) }; and

depicting by the wireless mobile device the available discretionary updates of the first group in a selectable manner to enable user control over installation of the relevant

discretionary updates { (see pg. 1, [0009, lines 7-13]; pg. 10, [0181, lines 1-4]; pg. 11, [0199, lines 10-16]; Figs. 1a & 46c), where the system prompts a user to select optional applications for download. } As further support, Herschberg at the least discloses the feature(s) receiving by the wireless mobile device, with the update catalog, mandatory updates (e.g., required applications) { (see pg. 1, [0009, lines 7-13]; pg. 4, [0093, 0095]) }; installing by the wireless mobile device the received mandatory updates (e.g., required applications) { (see pg. 9, [0172, lines 4-6]; pg. 11, [0197, lines 1-6]) }.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kawamata and Herschberg to have the feature(s) catalog comprising available discretionary updates; determining by the wireless mobile device that a first group of the discretionary updates is not currently installed on, and is applicable to software currently installed on, the wireless computing apparatus, and that a second group of the available discretionary updates is currently installed on, or is inapplicable to software currently installed on, the wireless computing apparatus; and depicting by the wireless mobile device the available discretionary updates of the first group in a selectable manner to enable user control over installation of the relevant discretionary updates, in order to provide a system and method for managing application provisioning to one or more wireless devices, as taught by Herschberg (see pg. 1, [0005, lines 1-2]).

Regarding **claim 11**, the combination of Kawamata and Herschberg discloses every limitation claimed, as applied above (see claim 10), in addition Kawamata further discloses the method of claim 10, wherein said determining comprises comparing, by the wireless mobile device, the update catalog to the software currently installed on the wireless mobile

device, wherein the software is at least one of an operating system or an application { (see col. 5, lines 47-66; Figs. 7 & 18) }.

Regarding **claim 12**, Kawamata discloses every limitation claimed as applied above in claim 10. Kawamata does not specifically disclose having the feature(s) selecting, by the wireless mobile device, a desired discretionary update from said first group; and obtaining said desired discretionary update. However, the examiner maintains that the feature(s) selecting, by the wireless mobile device, a desired discretionary update from said first group; and obtaining said desired discretionary update was well known in the art, as taught by Herschberg.

Herschberg further discloses the feature(s) selecting, by the wireless mobile device, a desired discretionary update (e.g., optional applications) from said first group { (see pg. 1, [0009, lines 7-13]; pg. 2, [0086, 0088, 0093]; pg. 10, [0181, lines 1-4]; Figs. 1a & 46c) }; and obtaining said desired discretionary update (see pg. 10, [0181, lines 11-13]; Fig. 46c) }.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kawamata and Herschberg to have the feature(s) selecting, by the wireless mobile device, a desired discretionary update from said first group; and obtaining said desired discretionary update, in order to provide a system and method for managing application provisioning to one or more wireless devices, as taught by Herschberg (see pg. 1, [0005, lines 1-2]).

Response to Arguments

5. Applicant's arguments with respect to claims 10-12 have been considered but are moot in view of the new ground(s) of rejection necessitated by the amended language and/or new limitations.

In response to applicant's arguments, the Examiner respectfully disagrees as the applied reference(s) provide more than adequate support and to further clarify (see the above claims for relevant citations).

6. Regarding applicant's remark on pg. 6, 3rd full par., "…non-relevant update may be a discretionary (non-mandatory) update previous or currently installed on the client device, **and/or** an update that is inapplicable to the currently installed operating system and/or versions of software running on the client device...", the Examiner has withdrawn the 112 rejection. Relevant available updates (i.e., non-mandatory) has **two requirements** which are 'have not already been installed on the client device' **and** 'client device has a **use** (e.g., applicable)' (see orig. spec., pg. 9, lines 21-25; remarks section pg. 5, 6th par. and pg. 6, 1st full par.). For example, currently installed operating system and/or versions of software running on the client device is still applicable since the client device has a use for or currently using the installed operating system and/or versions of software. The orig. spec. recites "...use (e.g., that are applicable...)..." (see orig. spec., pg. 9, lines 23-24) as the boundary and the Examiner has interpreted --applicable-- as an alternate for the term 'use'.

7. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on

combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Regarding applicant's argument of claim 1 in the par. bridging pgs. 7-8, "…the available update comprising available discretionary updates; determining that a first group of the available discretionary updates is relevant to the wireless computing apparatus, and that a second group of the available discretionary updates is irrelevant to the wireless computing apparatus; or depict representation of the available discretionary updates of the first group in a selectable manner to enable user control over installation of the relevant discretionary updates; receive, with the update catalog…", the Examiner respectfully disagrees. Applicant has failed to interpret and appreciate the combined teachings of well-known prior art Kawamata and Herschberg that clearly discloses the claimed feature(s) as would be clearly recognized by one of ordinary skill in the art. In particular, Kawamata discloses the language as related to the claimed feature(s)

receive, with the update catalog (e.g., software group), mandatory updates (e.g., software group necessary) { (see col. 13, lines 15-23,46-51; Figs. 7 & 18) }.

As further support in the same field of endeavor, Herschberg discloses the language as related to the claimed feature(s)

the available updates comprising available discretionary updates (e.g., optional applications) { (see pg. 1, [0007, lines 7-9; 0009, lines 7-13]; pg. 4, [0093, 0095]), where the system has optional applications that the user has the option to download (see pg. 4, [0086, 0088]; Fig. 1a) };

determine that a first group of the available discretionary updates (e.g., optional applications) is relevant (e.g., compatible) to the wireless device (106) which reads on the claimed "wireless computing apparatus" { (see pg. 1, [0007, lines 7-9; 0009, lines 7-13]; pg. 3, [0076]; pg. 4, [0093]; Fig. 2), where the system provides optional applications for downloading (see pg. 4, [0086, 0088]; pg. 10, [0181]; Figs. 1a & 46c) }, and

that a second group of the available discretionary updates is irrelevant (e.g., not compatible including permission deny/unauthorized application) to the wireless computing apparatus (106) { (see pg. 1, [0007, lines 7-13]; pg. 4, [0092]; pg. 10, [0177-0178]), where applications that are not compatible are denied or not downloaded and where installed applications that are denied or incompatible are deleted from device (106) (see pg. 11, [0195; 0197, lines 11-15; 0198, lines 11-16; 0199, lines 6-10]) }; and

depict representations of the available discretionary updates of the first group in a selectable manner to enable user control over installation of the relevant discretionary updates { (see pg. 1, [0009, lines 7-13]; pg. 10, [0181, lines 1-4]; pg. 11, [0199, lines 10-16]; Figs. 1a & 46c), where the system prompts a user to select optional applications for download }. Therefore, the combination(s) of the reference(s) Kawamata and Herschberg as addressed above more than adequately meets the claim limitations.

8. Regarding applicant's argument(s) of claims 2-5 and 10-12, the claims are addressed for the same reasons as set forth above and as applied above in each claim rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to 3 whose telephone number is (571)272-7907. The examiner can normally be reached on 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Willie J. Daniel, Jr./
Examiner, Art Unit 2617

WJD,Jr
27 October 2010

/Charles N. Appiah/
Supervisory Patent Examiner, Art Unit 2617